

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 291 be amended to read as follows:

- 1 Page 1, line 3, after "district," insert "**except a district to which**
- 2 **section 4.5 of this chapter applies,**".
- 3 Page 1, line 8, delete "absentee".
- 4 Page 1, line 9, reset in roman "vote."
- 5 Page 1, line 9, delete "included in the notice mailed under section
- 6 4(b) of this".
- 7 Page 1, delete line 10.
- 8 Page 1, line 11, delete "absentee".
- 9 Page 1, line 11, reset in roman "vote".
- 10 Page 1, line 11, delete "by the freeholder".
- 11 Page 1, line 12, delete "casting the ballot".
- 12 Page 1, line 12, reset in roman "mailed or delivered".
- 13 Page 1, line 12, delete "returned:".
- 14 Page 1, line 13, delete "(1) in person".
- 15 Page 1, line 13, reset in roman "district office."
- 16 Page 1, line 13, delete "location specified in the".
- 17 Page 1, run in lines 12 through 13.
- 18 Page 1, delete lines 14 through 17.
- 19 Page 2, delete line 1.
- 20 Page 2, line 2, delete "(c)".
- 21 Page 2, line 2, reset in roman "A".
- 22 Page 2, line 2, delete "An absentee".
- 23 Run in page 1, line 13 through page 2, line 2.
- 24 Page 2, line 10, delete "Notice" and insert "**Except for a district to**
- 25 **which section 4.5 of this chapter applies,** notice".
- 26 Page 2, delete line 11.
- 27 Page 2, line 12, delete "(1) By" and insert "by".
- 28 Page 2, run in lines 10 through 12.
- 29 Page 2, line 14, delete "the date fixed in the notice for".
- 30 Page 2, delete lines 16 through 22.
- 31 Page 2, line 30, delete "in person".

Page 2, delete lines 31 through 34.

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 3. IC 14-33-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) This section applies to a district that, before July 1, 2003, used the notice procedure described in IC 14-33-4-3.**

(b) At each annual meeting of the district, directors shall be elected to fill vacancies on the board due to expiration of terms, resignation, or otherwise. The election shall be conducted by written ballots. To be elected, an individual must receive a majority of the votes of the freeholders of the district who are:

(1) present and voting in person; or

(2) absent but have mailed or delivered a written absentee ballot included in the notice mailed under subsection (e)(2).

(c) A written absentee ballot must be signed by the freeholder casting the ballot and returned:

(1) in person to the location specified in the notice mailed under subsection (e)(2) on or before the ending time for voting in person on the date of the annual meeting; or

(2) by mail to an address specified in the notice mailed under subsection (e)(2).

(d) An absentee ballot is valid if delivered or received on or before the scheduled date of the annual meeting.

(e) Notice of the annual meeting of the district shall be given as follows:

(1) By one (1) publication in a newspaper of general circulation in each county in the district at least fourteen (14) and not more than thirty-one (31) days before the date fixed in the notice for the annual meeting.

(2) By mail to all freeholders on the list prepared under section 5 of this chapter not later than fourteen (14) days before the date fixed in the notice for the annual meeting. The notice required under this subdivision may be included in a district's periodic billing if the billing is postmarked not later than fourteen (14) days before the date fixed in the notice for the annual meeting.

(f) The notice required by subsection (e) must contain the following:

(1) The names of the nominees.

(2) The place where the election will be held.

(3) The date and time of the election.

(4) The fact that this is the annual meeting of the district.

(5) The purposes of the meeting.

(6) The time during which in person ballots may be cast.

(g) A mailed notice under subsection (e)(2) must include an absentee ballot and instructions for completing and returning the ballot by mail or in person as required by subsection (c)."

- 1 Page 4, line 32, delete "all".
- 2 Page 4, line 33, delete "districts." and insert "**a district that, before**
- 3 **July 1, 2003, used the notice procedure described in IC 14-33-4-3.**".
- 4 Page 5, line 16, delete "all".
- 5 Page 5, line 17, delete "districts." and insert "**a district that, before**
- 6 **July 1, 2003, used the notice procedure described in IC 14-33-4-3.**".
- 7 Page 5, line 23, delete "all".
- 8 Page 5, line 24, delete "districts." and insert "**a district that, before**
- 9 **July 1, 2003, used the notice procedure described in IC 14-33-4-3.**".
- 10 Page 5, line 34, delete "IC 14-33-5-2," and insert "**IC 14-33-5-4.5,**
- 11 **as added by this act, applies**".
- 12 Page 5, delete line 35.
- 13 Page 5, line 36, delete "of conservancy districts".
- 14 Page 5, line 37, delete "." and insert "**, by a conservancy district**
- 15 **that, before July 1, 2003, used the notice procedure described in**
- 16 **IC 14-33-4-3.**".
- 17 Renumber all SECTIONS consecutively.
(Reference is to SB 291 as printed February 18, 2003.)

Senator LAWSON C